

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is self-employed and receives RUFA benefits during some months but not others due to her estranged husband's sporadic payment of child support. The court has ordered her estranged husband to pay \$750 per month for current support. His adjudicated arrearage payment is about \$5,000 for the state and \$2,000 for the petitioner. The petitioner believes that these sporadic payments are designed by her estranged husband to keep her RUFA eligibility in a state of flux since a payment in any two consecutive months makes her ineligible for RUFA.

2. The petitioner asked for an accounting of child support payments paid by her estranged husband to OCS and turned over to PATH. The records show that the petitioner's estranged husband made only three child support payments during 2003 that were sent to PATH and no payments during 2004. \$770 was sent to PATH on July 3, 2003, \$750 of which was applied toward current support and \$20 was applied to arrearages owed to the state. \$770 was also sent in August 2003 which was applied in the same way. In December of 2003, \$1,000 was sent to PATH, of which \$750 was applied to the current and \$250 to the arrearage.

3. During each of the months when disbursements were received by PATH from OCS, the petitioner was receiving RUFA benefits. During the second month following the receipt of the child support amounts, the petitioner received "disposition" checks containing the difference between current support received two months ago and the amount of RUFA benefits disbursed.

ORDER

The decision of PATH with regard to disbursement of the funds is affirmed.

REASONS

When custodians of children receive RUFA benefits, they automatically assign their rights to child support to PATH while they receive the benefits. W.A.M. 2331. While they are on RUFA benefits, the Office of Child Support sends PATH all amounts which it collects from the non-custodial parents as child support. W.A.M. 2333. Current amounts of child support along with \$50 "bonus" pass-throughs (amounts that are not counted against benefits) are distributed to families on the first day of the second month after they are received as the "parent share", i.e. the amount which was in excess of the RUFA grant received by the family for that month. W.A.M. 2333.

PATH takes any amounts paid monthly in excess of the current support amount and applies it to any arrearages which the non-custodial parent has accrued with PATH. As soon as the family goes off RUFA benefits, all current support amounts are sent to the family along with any arrearage amounts so long as an arrearage is owed to the family. W.A.M. 2334.

The facts here indicate that PATH has correctly treated all funds received by OCS on behalf of the petitioner under its regulations. The Board is thus bound to affirm the decision of PATH. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

The petitioner is no longer applying for RUFA benefits so any amounts now collected by OCS from her estranged husband should be paid directly to her until all current support and arrearages are satisfied.

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